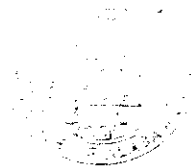


85-00514

OFFICE OF THE ATTORNEY GENERAL



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STATE OF ALABAMA

SEP 16 1985

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Mr. Melvin G. Cooper
Executive Director
State Ethics Commission
817 South Court Street
Suite 2B Annex
Montgomery, Alabama 36104

Ethics Commission

Members of the Alabama Ethics Commission may serve for a reasonable time past their term of office until their successors have been appointed and qualified.

Dear Mr. Cooper:

The Attorney General hereby acknowledges receipt of your request for an opinion on the following question:

May a person appointed to the Alabama Ethics Commission by the Governor, Lieutenant Governor and Speaker of the House of Representatives begin his/her service on the Commission prior to being confirmed by the Senate of Alabama?

The answer to your inquiry is found in the Ethics Law itself. Section 36-25-3(a), Code of Alabama 1975 provides in pertinent part as follows:

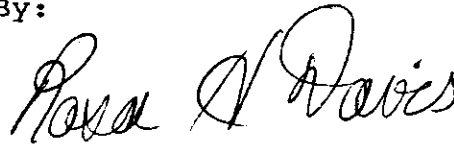
... The members of such commission shall be appointed ...and shall assume their duties upon confirmation by the Senate...[members] shall be appointed for terms of five years and until their successors are appointed and have qualified...

Mr. Melvin G. Cooper
Page Two

A person is "qualified" for assuming the duties of an office when all of the prerequisites for assuming such duties have been met. Given this principal the above cited statute is clear and unambiguous on its face. The statute answers your question in the negative.

Sincerely,

CHARLES A. GRADDICK
Attorney General
By:

A handwritten signature in cursive script, appearing to read "Rosa H. Davis".

ROSA H. DAVIS
Assistant Attorney General

CAG:RHD:mtb